

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:)

JAHANGIR ANVAR AHMADOV)

Case No. 800-2016-026029

Polysomnographic Technologist)

Registration No. PTGL 667)

Respondent)

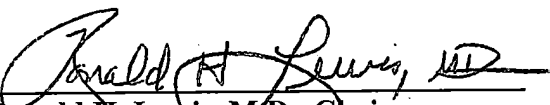
DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on July 19, 2019.

IT IS SO ORDERED: June 21, 2019.

MEDICAL BOARD OF CALIFORNIA



Ronald H. Lewis, M.D., Chair
Panel A

1 XAVIER BECERRA
Attorney General of California
2 JANE ZACK SIMON
Supervising Deputy Attorney General
3 REBECCA D. WAGNER
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8
9 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12
13 In the Matter of the Accusation Against:

Case No. 800-2016-026029

14 **JAHANGIR ANVAR AHMADOV**
15 **5805 Charlotte Drive, #A515,**
San Jose, CA 95123

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

16 **Polysomnographic Technologist**
17 **Registration No. PTGL 667**

18 Respondent.

19
20 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties to the above-
21 entitled proceedings that the following matters are true:

22 **PARTIES**

23 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board
24 of California (Board). She brought this action solely in her official capacity and is represented in
25 this matter by Xavier Becerra, Attorney General of the State of California, by Rebecca D.
26 Wagner, Deputy Attorney General.

27 2. Respondent Jahangir Anvar Ahmadov (Respondent) is represented in this proceeding
28 by attorney Steven Cohn, whose address is:

1 Steven Cohn
2 Advocacy Center for Employment Law
3 2084 Alameda Way
4 San Jose, California 95126-1002

5 3. On or about September 5, 2014, the Board issued Polysomnography Registration No.
6 PTGL 667 to Jahangir Anvar Ahmadov (Respondent). The Polysomnography Registration was in
7 full force and effect at all times relevant to the charges brought in Accusation No. 800-2016-
8 026029, and will expire on December 31, 2019, unless renewed.

9 **JURISDICTION**

10 4. Accusation No. 800-2016-026029 was filed before the Board, and is currently
11 pending against Respondent. The Accusation and all other statutorily required documents were
12 properly served on Respondent on October 2, 2018. Respondent timely filed his Notice of
13 Defense contesting the Accusation.

14 5. A copy of Accusation No. 800-2016-026029 is attached as exhibit A and incorporated
15 herein by reference.

16 **ADVISEMENT AND WAIVERS**

17 6. Respondent has carefully read, fully discussed with counsel, and understands the
18 charges and allegations in Accusation No. 800-2016-026029. Respondent has also carefully read,
19 fully discussed with counsel, and understands the effects of this Stipulated Settlement and
20 Disciplinary Order.

21 7. Respondent is fully aware of his legal rights in this matter, including the right to a
22 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine
23 the witnesses against him; the right to present evidence and to testify on his own behalf; the right
24 to the issuance of subpoenas to compel the attendance of witnesses and the production of
25 documents; the right to reconsideration and court review of an adverse decision; and all other
26 rights accorded by the California Administrative Procedure Act and other applicable laws.

27 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
28 every right set forth above.

1 **CULPABILITY**

2 9. Respondent admits the truth of each and every charge and allegation in Accusation
3 No. 800-2016-026029.

4 10. Respondent agrees that his Polysomnography Registration is subject to discipline and
5 he agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order
6 below.

7 **CONTINGENCY**

8 11. This stipulation shall be subject to approval by the Medical Board of California.
9 Respondent understands and agrees that counsel for Complainant and the staff of the Medical
10 Board of California may communicate directly with the Board regarding this stipulation and
11 settlement, without notice to or participation by Respondent or his counsel. By signing the
12 stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek
13 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails
14 to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary
15 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal
16 action between the parties, and the Board shall not be disqualified from further action by having
17 considered this matter.

18 12. The parties understand and agree that Portable Document Format (PDF) and facsimile
19 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile
20 signatures thereto, shall have the same force and effect as the originals.

21 13. In consideration of the foregoing admissions and stipulations, the parties agree that
22 the Board may, without further notice or formal proceeding, issue and enter the following
23 Disciplinary Order:

24 **DISCIPLINARY ORDER**

25 IT IS HEREBY ORDERED that Polysomnography Registration No. PTGL 667 issued to
26 Respondent Jahangir Anvar Ahmadov is revoked. However, the revocation is stayed and
27 Respondent is placed on probation for five (5) years on the following terms and conditions.

28 1. **CONTROLLED SUBSTANCES - ABSTAIN FROM USE.** Respondent shall abstain

1 completely from the personal use or possession of controlled substances as defined in the
2 California Uniform Controlled Substances Act, dangerous drugs as defined by Business and
3 Professions Code section 4022, and any drugs requiring a prescription. This prohibition does not
4 apply to medications lawfully prescribed to Respondent by another practitioner for a bona fide
5 illness or condition.

6 Within 15 calendar days of receiving any lawfully prescribed medications, Respondent
7 shall notify the Board or its designee of the: issuing practitioner's name, address, and telephone
8 number; medication name, strength, and quantity; and issuing pharmacy name, address, and
9 telephone number.

10 2. ALCOHOL - ABSTAIN FROM USE. Respondent shall abstain completely from the
11 use of products or beverages containing alcohol.

12 3. PROFESSIONALISM PROGRAM (ETHICS COURSE). Within 60 calendar days of
13 the effective date of this Decision, Respondent shall enroll in a professionalism program, that
14 meets the requirements of Title 16, California Code of Regulations (CCR) section 1358.1.
15 Respondent shall participate in and successfully complete that program. Respondent shall
16 provide any information and documents that the program may deem pertinent. Respondent shall
17 successfully complete the classroom component of the program not later than six (6) months after
18 Respondent's initial enrollment, and the longitudinal component of the program not later than the
19 time specified by the program, but no later than one (1) year after attending the classroom
20 component. The professionalism program shall be at Respondent's expense and shall be in
21 addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

22 A professionalism program taken after the acts that gave rise to the charges in the
23 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board
24 or its designee, be accepted towards the fulfillment of this condition if the program would have
25 been approved by the Board or its designee had the program been taken after the effective date of
26 this Decision.

27 Respondent shall submit a certification of successful completion to the Board or its
28 designee not later than 15 calendar days after successfully completing the program or not later

1 than 15 calendar days after the effective date of the Decision, whichever is later.

2 4. CLINICAL DIAGNOSTIC EVALUATIONS AND REPORTS: Within thirty (30)
3 calendar days of the effective date of this Decision, and on whatever periodic basis thereafter as
4 may be required by the Board or its designee, Respondent shall undergo and complete a clinical
5 diagnostic evaluation, including any and all testing deemed necessary, by a Board-appointed
6 board certified physician and surgeon. The examiner shall consider any information provided by
7 the Board or its designee and any other information he or she deems relevant, and shall furnish a
8 written evaluation report to the Board or its designee.

9 The clinical diagnostic evaluation shall be conducted by a licensed physician and surgeon
10 who holds a valid, unrestricted license, has three (3) years' experience in providing evaluations of
11 physicians and surgeons with substance abuse disorders, and is approved by the Board or its
12 designee. The clinical diagnostic evaluation shall be conducted in accordance with acceptable
13 professional standards for conducting substance abuse clinical diagnostic evaluations. The
14 evaluator shall not have a current or former financial, personal, or business relationship with
15 Respondent within the last five (5) years. The evaluator shall provide an objective, unbiased, and
16 independent evaluation. The clinical diagnostic evaluation report shall set forth, in the
17 evaluator's opinion, whether Respondent has a substance abuse problem, whether Respondent is a
18 threat to himself or herself or others, and recommendations for substance abuse treatment,
19 practice restrictions, or other recommendations related to Respondent's rehabilitation and ability
20 to practice safely. If the evaluator determines during the evaluation process that Respondent is a
21 threat to himself or herself or others, the evaluator shall notify the Board within twenty-four (24)
22 hours of such a determination.

23 In formulating his or her opinion as to whether Respondent is safe to return to either part-
24 time or full-time practice and what restrictions or recommendations should be imposed, including
25 participation in an inpatient or outpatient treatment program, the evaluator shall consider the
26 following factors: Respondent's license type; Respondent's history; Respondent's documented
27 length of sobriety (i.e., length of time that has elapsed since Respondent's last substance use);
28 Respondent's scope and pattern of substance abuse; Respondent's treatment history, medical

1 history and current medical condition; the nature, duration and severity of Respondent's
2 substance abuse problem or problems; and whether Respondent is a threat to himself or herself or
3 the public.

4 For all clinical diagnostic evaluations, a final written report shall be provided to the Board
5 no later than ten (10) days from the date the evaluator is assigned the matter. If the evaluator
6 requests additional information or time to complete the evaluation and report, an extension may
7 be granted, but shall not exceed thirty (30) days from the date the evaluator was originally
8 assigned the matter.

9 The Board shall review the clinical diagnostic evaluation report within five (5) business
10 days of receipt to determine whether Respondent is safe to return to either part-time or full-time
11 practice and what restrictions or recommendations shall be imposed on Respondent based on the
12 recommendations made by the evaluator. Respondent shall not be returned to practice until he or
13 she has at least thirty (30) days of negative biological fluid tests or biological fluid tests indicating
14 that he or she has not used, consumed, ingested, or administered to himself or herself a prohibited
15 substance, as defined in section 1361.51, subdivision (e), of Title 16 of the California Code of
16 Regulations.

17 Clinical diagnostic evaluations conducted prior to the effective date of this Decision shall
18 not be accepted towards the fulfillment of this requirement. The cost of the clinical diagnostic
19 evaluation, including any and all testing deemed necessary by the examiner, the Board or its
20 designee, shall be borne by the licensee.

21 Respondent shall not engage in the practice of Polysomnography until notified by the Board
22 or its designee that he or she is fit to practice medicine safely. The period of time that
23 Respondent is not practicing Polysomnography shall not be counted toward completion of the
24 term of probation. Respondent shall undergo biological fluid testing as required in this Decision
25 at least two (2) times per week while awaiting the notification from the Board if he or she is fit to
26 practice Polysomnography safely.

27 Respondent shall comply with all restrictions or conditions recommended by the examiner
28 conducting the clinical diagnostic evaluation within fifteen (15) calendar days after being notified

1 by the Board or its designee.

2 5. NOTICE OF EMPLOYER OR SUPERVISOR INFORMATION. Within seven
3 (7) days of the effective date of this Decision, Respondent shall provide to the Board the names,
4 physical addresses, mailing addresses, and telephone numbers of any and all employers and
5 supervisors. Respondent shall also provide specific, written consent for the Board, Respondent's
6 worksite monitor, and Respondent's employers and supervisors to communicate regarding
7 Respondent's work status, performance, and monitoring.

8 For purposes of this section, "supervisors" shall include the Chief of Staff and Health or
9 Well Being Committee Chair, or equivalent, if applicable, when the Respondent has medical staff
10 privileges.

11 6. BIOLOGICAL FLUID TESTING. Respondent shall immediately submit to
12 biological fluid testing, at Respondent's expense, upon request of the Board or its designee.
13 "Biological fluid testing" may include, but is not limited to, urine, blood, breathalyzer, hair
14 follicle testing, or similar drug screening approved by the Board or its designee. Respondent shall
15 make daily contact with the Board or its designee to determine whether biological fluid testing is
16 required. Respondent shall be tested on the date of the notification as directed by the Board or its
17 designee. The Board may order a Respondent to undergo a biological fluid test on any day, at
18 any time, including weekends and holidays. Except when testing on a specific date as ordered by
19 the Board or its designee, the scheduling of biological fluid testing shall be done on a random
20 basis. The cost of biological fluid testing shall be borne by the Respondent.

21 During the first year of probation, Respondent shall be subject to 52 to 104 random tests.
22 During the second year of probation and for the duration of the probationary term, up to five (5)
23 years, Respondent shall be subject to 36 to 104 random tests per year. Only if there have been no
24 positive biological fluid tests in the previous five (5) consecutive years of probation, may testing
25 be reduced to one (1) time per month. Nothing precludes the Board from increasing the number
26 of random tests to the first-year level of frequency for any reason.

27 Prior to practicing Polysomnography, Respondent shall contract with a laboratory or
28 service, approved in advance by the Board or its designee, that will conduct random,

1 unannounced, observed, biological fluid testing and meets all of the following standards:

2 (a) Its specimen collectors are either certified by the Drug and Alcohol Testing Industry
3 Association or have completed the training required to serve as a collector for the United
4 States Department of Transportation.

5 (b) Its specimen collectors conform to the current United States Department of
6 Transportation Specimen Collection Guidelines.

7 (c) Its testing locations comply with the Urine Specimen Collection Guidelines published
8 by the United States Department of Transportation without regard to the type of test
9 administered.

10 (d) Its specimen collectors observe the collection of testing specimens.

11 (e) Its laboratories are certified and accredited by the United States Department of Health
12 and Human Services.

13 (f) Its testing locations shall submit a specimen to a laboratory within one (1) business day
14 of receipt and all specimens collected shall be handled pursuant to chain of custody
15 procedures. The laboratory shall process and analyze the specimens and provide legally
16 defensible test results to the Board within seven (7) business days of receipt of the
17 specimen. The Board will be notified of non-negative results within one (1) business day
18 and will be notified of negative test results within seven (7) business days.

19 (g) Its testing locations possess all the materials, equipment, and technical expertise
20 necessary in order to test Respondent on any day of the week.

21 (h) Its testing locations are able to scientifically test for urine, blood, and hair specimens
22 for the detection of alcohol and illegal and controlled substances.

23 (i) It maintains testing sites located throughout California.

24 (j) It maintains an automated 24-hour toll-free telephone system and/or a secure on-line
25 computer database that allows the Respondent to check in daily for testing.

26 (k) It maintains a secure, HIPAA-compliant website or computer system that allows staff
27 access to drug test results and compliance reporting information that is available 24 hours a
28 day.

1 (l) It employs or contracts with toxicologists that are licensed physicians and have
2 knowledge of substance abuse disorders and the appropriate medical training to interpret
3 and evaluate laboratory biological fluid test results, medical histories, and any other
4 information relevant to biomedical information.

5 (m) It will not consider a toxicology screen to be negative if a positive result is obtained
6 while practicing, even if the Respondent holds a valid prescription for the substance.

7 Prior to changing testing locations for any reason, including during vacation or other travel,
8 alternative testing locations must be approved by the Board and meet the requirements above.

9 The contract shall require that the laboratory directly notify the Board or its designee of
10 non-negative results within one (1) business day and negative test results within seven (7)
11 business days of the results becoming available. Respondent shall maintain this laboratory or
12 service contract during the period of probation.

13 A certified copy of any laboratory test result may be received in evidence in any
14 proceedings between the Board and Respondent.

15 If a biological fluid test result indicates Respondent has used, consumed, ingested, or
16 administered to himself or herself a prohibited substance, the Board shall order Respondent to
17 cease practice and instruct Respondent to leave any place of work where Respondent is practicing
18 Polysomnography or providing medical services. The Board shall immediately notify all of
19 Respondent's employers, supervisors and work monitors, if any, that Respondent may not
20 practice Polysomnography or provide medical services while the cease-practice order is in effect.

21 A biological fluid test will not be considered negative if a positive result is obtained while
22 practicing, even if the practitioner holds a valid prescription for the substance. If no prohibited
23 substance use exists, the Board shall lift the cease-practice order within one (1) business day.

24 After the issuance of a cease-practice order, the Board shall determine whether the positive
25 biological fluid test is in fact evidence of prohibited substance use by consulting with the
26 specimen collector and the laboratory, communicating with the licensee, his or her treating
27 physician(s), other health care provider, or group facilitator, as applicable.

28 For purposes of this condition, the terms "biological fluid testing" and "testing" mean the

1 acquisition and chemical analysis of a Respondent's urine, blood, breath, or hair.

2 For purposes of this condition, the term "prohibited substance" means an illegal drug, a
3 lawful drug not prescribed or ordered by an appropriately licensed health care provider for use by
4 Respondent and approved by the Board, alcohol, or any other substance the Respondent has been
5 instructed by the Board not to use, consume, ingest, or administer to himself or herself.

6 If the Board confirms that a positive biological fluid test is evidence of use of a prohibited
7 substance, Respondent has committed a major violation, as defined in section 1361.52(a), and the
8 Board shall impose any or all of the consequences set forth in section 1361.52(b), in addition to
9 any other terms or conditions the Board determines are necessary for public protection or to
10 enhance Respondent's rehabilitation.

11 7. SUBSTANCE ABUSE SUPPORT GROUP MEETINGS. Within thirty (30) days
12 of the effective date of this Decision, Respondent shall submit to the Board or its designee, for its
13 prior approval, the name of a substance abuse support group which he or she shall attend for the
14 duration of probation. Respondent shall attend substance abuse support group meetings at least
15 once per week, or as ordered by the Board or its designee. Respondent shall pay all substance
16 abuse support group meeting costs.

17 The facilitator of the substance abuse support group meeting shall have a minimum of three
18 (3) years experience in the treatment and rehabilitation of substance abuse, and shall be licensed
19 or certified by the state or nationally certified organizations. The facilitator shall not have a
20 current or former financial, personal, or business relationship with Respondent within the last five
21 (5) years. Respondent's previous participation in a substance abuse group support meeting led by
22 the same facilitator does not constitute a prohibited current or former financial, personal, or
23 business relationship.

24 The facilitator shall provide a signed document to the Board or its designee showing
25 Respondent's name, the group name, the date and location of the meeting, Respondent's
26 attendance, and Respondent's level of participation and progress. The facilitator shall report any
27 unexcused absence by Respondent from any substance abuse support group meeting to the Board,
28 or its designee, within twenty-four (24) hours of the unexcused absence.

1 8. WORKSITE MONITOR FOR SUBSTANCE-ABUSING LICENSEE. Within
2 thirty (30) calendar days of the effective date of this Decision, Respondent shall submit to the
3 Board or its designee for prior approval as a worksite monitor, the name and qualifications of one
4 or more licensed physician and surgeon, other licensed health care professional if no physician
5 and surgeon is available, or, as approved by the Board or its designee, a person in a position of
6 authority who is capable of monitoring the Respondent at work.

7 The worksite monitor shall not have a current or former financial, personal, or familial
8 relationship with Respondent, or any other relationship that could reasonably be expected to
9 compromise the ability of the monitor to render impartial and unbiased reports to the Board or its
10 designee. If it is impractical for anyone but Respondent's employer to serve as the worksite
11 monitor, this requirement may be waived by the Board or its designee, however, under no
12 circumstances shall Respondent's worksite monitor be an employee or supervisee of the licensee.

13 The worksite monitor shall have an active unrestricted license with no disciplinary action
14 within the last five (5) years, and shall sign an affirmation that he or she has reviewed the terms
15 and conditions of Respondent's disciplinary order and agrees to monitor Respondent as set forth
16 by the Board or its designee.

17 Respondent shall pay all worksite monitoring costs.

18 The worksite monitor shall have face-to-face contact with Respondent in the work
19 environment on as frequent a basis as determined by the Board or its designee, but not less than
20 once per week; interview other staff in the office regarding Respondent's behavior, if requested
21 by the Board or its designee; and review Respondent's work attendance.

22 The worksite monitor shall verbally report any suspected substance abuse to the Board and
23 Respondent's employer or supervisor within one (1) business day of occurrence. If the suspected
24 substance abuse does not occur during the Board's normal business hours, the verbal report shall
25 be made to the Board or its designee within one (1) hour of the next business day. A written
26 report that includes the date, time, and location of the suspected abuse; Respondent's actions; and
27 any other information deemed important by the worksite monitor shall be submitted to the Board
28 or its designee within 48 hours of the occurrence.

1 The worksite monitor shall complete and submit a written report monthly or as directed by
2 the Board or its designee which shall include the following: (1) Respondent's name and
3 Polysomnography Registration number; (2) the worksite monitor's name and signature; (3) the
4 worksite monitor's license number, if applicable; (4) the location or location(s) of the worksite;
5 (5) the dates Respondent had face-to-face contact with the worksite monitor; (6) the names of
6 worksite staff interviewed, if applicable; (7) a report of Respondent's work attendance; (8) any
7 change in Respondent's behavior and/or personal habits; and (9) any indicators that can lead to
8 suspected substance abuse by Respondent. Respondent shall complete any required consent
9 forms and execute agreements with the approved worksite monitor and the Board, or its designee,
10 authorizing the Board, or its designee, and worksite monitor to exchange information.

11 If the worksite monitor resigns or is no longer available, Respondent shall, within five (5)
12 calendar days of such resignation or unavailability, submit to the Board or its designee, for prior
13 approval, the name and qualifications of a replacement monitor who will be assuming that
14 responsibility within fifteen (15) calendar days. If Respondent fails to obtain approval of a
15 replacement monitor within sixty (60) calendar days of the resignation or unavailability of the
16 monitor, Respondent shall receive a notification from the Board or its designee to cease the
17 practice of medicine within three (3) calendar days after being so notified. Respondent shall
18 cease the practice of medicine until a replacement monitor is approved and assumes monitoring
19 responsibility.

20 9. VIOLATION OF PROBATION CONDITION FOR SUBSTANCE ABUSING
21 LICENSEES. Failure to fully comply with any term or condition of probation is a violation of
22 probation.

23 A. If Respondent commits a major violation of probation as defined by section
24 1361.52, subdivision (a), of Title 16 of the California Code of Regulations, the Board shall take
25 one or more of the following actions:

26 (1) Issue an immediate cease-practice order and order Respondent to undergo a clinical
27 diagnostic evaluation to be conducted in accordance with section 1361.5, subdivision (c)(1), of
28 Title 16 of the California Code of Regulations, at Respondent's expense. The cease-practice

1 order issued by the Board or its designee shall state that Respondent must test negative for at least
2 a month of continuous biological fluid testing before being allowed to resume practice. For
3 purposes of determining the length of time a Respondent must test negative while undergoing
4 continuous biological fluid testing following issuance of a cease-practice order, a month is
5 defined as thirty calendar (30) days. Respondent may not resume the practice of
6 Polysomnography until notified in writing by the Board or its designee that he or she may do so.

7 (2) Increase the frequency of biological fluid testing.

8 (3) Refer Respondent for further disciplinary action, such as suspension, revocation, or
9 other action as determined by the Board or its designee.

10 B. If Respondent commits a minor violation of probation as defined by section
11 1361.52, subdivision (c), of Title 16 of the California Code of Regulations, the Board shall take
12 one or more of the following actions:

13 (1) Issue a cease-practice order;

14 (2) Order practice limitations;

15 (3) Order or increase supervision of Respondent;

16 (4) Order increased documentation;

17 (5) Issue a citation and fine, or a warning letter;

18 (6) Order Respondent to undergo a clinical diagnostic evaluation to be conducted in
19 accordance with section 1361.5, subdivision (c)(1), of Title 16 of the California Code of
20 Regulations, at Respondent's expense;

21 (7) Take any other action as determined by the Board or its designee.

22 C. Nothing in this Decision shall be considered a limitation on the Board's authority
23 to revoke Respondent's probation if he or she has violated any term or condition of probation. If
24 Respondent violates probation in any respect, the Board, after giving Respondent notice and the
25 opportunity to be heard, may revoke probation and carry out the disciplinary order that was
26 stayed. If an Accusation, or Petition to Revoke Probation, or an Interim Suspension Order is filed
27 against Respondent during probation, the Board shall have continuing jurisdiction until the matter
28 is final, and the period of probation shall be extended until the matter is final.

1 10. NOTIFICATION. Within seven (7) days of the effective date of this Decision, the
2 Respondent shall provide a true copy of this Decision and Accusation to the Chief of Staff or the
3 Chief Executive Officer at every hospital where privileges or membership are extended to
4 Respondent, at any other facility where Respondent engages in the practice of Polysomnography,
5 including all physician and locum tenens registries or other similar agencies, and to the Chief
6 Executive Officer at every insurance carrier which extends malpractice insurance coverage to
7 Respondent. Respondent shall submit proof of compliance to the Board or its designee within 15
8 calendar days.

9 This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

10 11. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, all
11 rules governing the practice of Polysomnography in California and remain in full compliance
12 with any court ordered criminal probation, payments, and other orders.

13 12. QUARTERLY DECLARATIONS. Respondent shall submit quarterly
14 declarations under penalty of perjury on forms provided by the Board, stating whether there has
15 been compliance with all the conditions of probation.

16 Respondent shall submit quarterly declarations not later than 10 calendar days after the end
17 of the preceding quarter.

18 13. GENERAL PROBATION REQUIREMENTS.

19 Compliance with Probation Unit

20 Respondent shall comply with the Board's probation unit.

21 Address Changes

22 Respondent shall, at all times, keep the Board informed of Respondent's business and
23 residence addresses, email address (if available), and telephone number. Changes of such
24 addresses shall be immediately communicated in writing to the Board or its designee. Under no
25 circumstances shall a post office box serve as an address of record, except as allowed by Business
26 and Professions Code section 2021(b).

27 Place of Practice

28 Respondent shall not engage in the practice of Polysomnography in Respondent's or

1 patient's place of residence, unless the patient resides in a skilled nursing facility or other similar
2 licensed facility.

3 License Renewal

4 Respondent shall maintain a current and renewed California Polysomnography
5 Registration.

6 Travel or Residence Outside California

7 Respondent shall immediately inform the Board or its designee, in writing, of travel to any
8 areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty
9 (30) calendar days.

10 In the event Respondent should leave the State of California to reside or to practice,
11 Respondent shall notify the Board or its designee in writing 30 calendar days prior to the dates of
12 departure and return.

13 14. INTERVIEW WITH THE BOARD OR ITS DESIGNEE. Respondent shall be
14 available in person upon request for interviews either at Respondent's place of business or at the
15 probation unit office, with or without prior notice throughout the term of probation.

16 15. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board
17 or its designee in writing within 15 calendar days of any periods of non-practice lasting more than
18 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is
19 defined as any period of time Respondent is not practicing Polysomnography as defined in
20 Business and Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month
21 in direct patient care, clinical activity or teaching, or other activity as approved by the Board. If
22 Respondent resides in California and is considered to be in non-practice, Respondent shall
23 comply with all terms and conditions of probation. All time spent in an intensive training
24 program which has been approved by the Board or its designee shall not be considered non-
25 practice and does not relieve Respondent from complying with all the terms and conditions of
26 probation. Practicing Polysomnography in another state of the United States or Federal
27 jurisdiction while on probation with the medical licensing authority of that state or jurisdiction
28 shall not be considered non-practice. A Board-ordered suspension of practice shall not be

1 considered as a period of non-practice.

2 In the event Respondent's period of non-practice while on probation exceeds 18 calendar
3 months, Respondent shall successfully complete the Federation of State Medical Board's Special
4 Purpose Examination, or, at the Board's discretion, a clinical competence assessment program
5 that meets the criteria of Condition 18 of the current version of the Board's "Manual of Model
6 Disciplinary Orders and Disciplinary Guidelines" prior to resuming the practice of
7 Polysomnography.

8 Respondent's period of non-practice while on probation shall not exceed two (2) years.

9 Periods of non-practice will not apply to the reduction of the probationary term.

10 Periods of non-practice for a Respondent residing outside of California will relieve
11 Respondent of the responsibility to comply with the probationary terms and conditions with the
12 exception of this condition and the following terms and conditions of probation: Obey All Laws;
13 General Probation Requirements; Quarterly Declarations; Abstain from the Use of Alcohol and/or
14 Controlled Substances; and Biological Fluid Testing.

15 16. COMPLETION OF PROBATION. Respondent shall comply with all financial
16 obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the
17 completion of probation. Upon successful completion of probation, Respondent's certificate shall
18 be fully restored.

19 17. VIOLATION OF PROBATION. Failure to fully comply with any term or
20 condition of probation is a violation of probation. If Respondent violates probation in any
21 respect, the Board, after giving Respondent notice and the opportunity to be heard, may revoke
22 probation and carry out the disciplinary order that was stayed. If an Accusation, or Petition to
23 Revoke Probation, or an Interim Suspension Order is filed against Respondent during probation,
24 the Board shall have continuing jurisdiction until the matter is final, and the period of probation
25 shall be extended until the matter is final.

26 18. LICENSE SURRENDER. Following the effective date of this Decision, if
27 Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy
28 the terms and conditions of probation, Respondent may request to surrender his or her license.

1 The Board reserves the right to evaluate Respondent's request and to exercise its discretion in
2 determining whether or not to grant the request, or to take any other action deemed appropriate
3 and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent
4 shall within 15 calendar days deliver Respondent's wallet and wall certificate to the Board or its
5 designee and Respondent shall no longer practice medicine. Respondent will no longer be subject
6 to the terms and conditions of probation. If Respondent re-applies for a Polysomnography
7 Registration, the application shall be treated as a petition for reinstatement of a revoked
8 Registration.

9 19. PROBATION MONITORING COSTS. Respondent shall pay the costs associated
10 with probation monitoring each and every year of probation, as designated by the Board, which
11 may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of
12 California and delivered to the Board or its designee no later than January 31 of each calendar
13 year.

14 ACCEPTANCE

15 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
16 discussed it with my attorney, Steven Cohn. I understand the stipulation and the effect it will
17 have on my Polysomnography Registration. I enter into this Stipulated Settlement and
18 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
19 Decision and Order of the Medical Board of California.

20
21 DATED:

6/9/2019



JAHANGIR ANVAR AHMADOV
Respondent

23 I have read and fully discussed with Respondent JAHANGIR ANVAR AHMADOV the
24 terms and conditions and other matters contained in the above Stipulated Settlement and
25 Disciplinary Order. I approve its form and content.

26 DATED:

6/9/19



STEVE COHN
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Medical Board of California.

Dated: *6-12-2019*

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
JANE ZACK SIMON
Supervising Deputy Attorney General

Rebecca D. Wagner
REBECCA D. WAGNER
Deputy Attorney General
Attorneys for Complainant

SF2018201248
Ahmadov.jahangir.stipulated.settlement

Exhibit A

Accusation No. 800-2016-026029

1 XAVIER BECERRA
Attorney General of California
2 JANE ZACK SIMON
Supervising Deputy Attorney General
3 REBECCA D. WAGNER
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7 Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO October 2 2018
BY R. Voong ANALYST

8
9 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12
13 In the Matter of the Accusation Against:

Case No. 800-2016-026029

14 **Jahangir Anvar Ahmadov**
15 **5805 Charlotte Drive, #A515,**
San Jose, CA 95123

ACCUSATION

16 **Polysomnography Registration**
17 **No. PTGL 667,**

18 Respondent.

19 Complainant alleges:

20 **PARTIES**

21 1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official
22 capacity as the Executive Director of the Medical Board of California, Department of Consumer
23 Affairs (Board).

24 2. On or about September 5, 2014, the Medical Board issued Polysomnography
25 Registration Number PTGL 667 to Jahangir Anvar Ahmadov (Respondent). The
26 Polysomnography Registration was in full force and effect at all times relevant to the charges
27 brought herein and will expire on December 31, 2019, unless renewed.
28

JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 3576 of the Code states:

“(a) A registration under this chapter may be denied, suspended, revoked, placed on probation, or otherwise subjected to discipline for any of the following by the holder:

“... ”

“(3) Committing any act or being convicted of a crime constituting grounds for denial of licensure or registration under Section 480.

“(4) Violating or attempting to violate this chapter or any regulation adopted under this chapter.

“(b) Proceedings under this section shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all powers granted therein.”

5. Section 480 of the Code states:

“(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

“(1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4, 1203.4a, or 1203.41 of the Penal Code.

“... ”

“(3) (A) Done any act that if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

1 “(B) The board may deny a license pursuant to this subdivision only if the crime or act is
2 substantially related to the qualifications, functions, or duties of the business or profession for
3 which application is made.

4 “...”

5 6. Section 3576.3 of the Code states:

6 “(a) The board may suspend or revoke the registration of a polysomnographic technologist,
7 polysomnographic technician, or polysomnographic trainee for unprofessional conduct as
8 described in this section.

9 “(b) The use of any controlled substance or the use of any of the dangerous drugs specified
10 in Section 4022, or of alcoholic beverages, to the extent, or in such a manner as to be dangerous
11 or injurious to the registrant, or to any other person or to the public, or to the extent that this use
12 impairs the ability of the registrant to practice safely or more than one misdemeanor or any felony
13 conviction involving the use, consumption, or self-administration of any of the substances
14 referred to in this section, or any combination thereof, constitutes unprofessional conduct. The
15 record of the conviction is conclusive evidence of this unprofessional conduct.

16 “(c) A plea or verdict of guilty or a conviction following a plea of nolo contendere is
17 deemed to be a conviction within the meaning of this section. The board may order discipline of
18 the registrant in accordance with Section 2227 or may order the denial of the registration when
19 the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal or
20 when an order granting probation is made suspending imposition of sentence, irrespective of a
21 subsequent order under the provisions of Section 1203.4 of the Penal Code allowing this person
22 to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict
23 of guilty, or dismissing the accusation, complaint, information, or indictment.”

24 7. Section 2227 of the Code states:

25 “(a) A licensee whose matter has been heard by an administrative law judge of the
26 medical quality Hearing Panel as designated in Section 11371 of the Government Code, or whose
27 default has been entered, and who is found guilty, or who has entered into a stipulation for
28 disciplinary action with the board, may, in accordance with the provisions of this chapter:

- 1 (1) Have his or her license revoked upon order of the board.
- 2 (2) Have his or her right to practice suspended for a period not to exceed one year
3 upon order of the board.
- 4 (3) Be placed on probation and be required to pay the costs of probation monitoring
5 upon order of the board.
- 6 (4) Be publicly reprimanded by the board. The public reprimand may include a
7 requirement that the licensee complete relevant educational courses approved by the board.
- 8 (5) Have any other action taken in relation to discipline as part of an order of
9 probation, as the board or an administrative law judge may deem proper.

10 "..."

11 8. Section 3577(d) provides that the fee for monitoring a registrant on probation shall be
12 the cost of monitoring, as fixed by the board.

13 **FIRST CAUSE FOR DISCIPLINE**

14 **(Conviction of a Crime)**

15 9. Respondent's registration is subject to disciplinary action under sections 3576(a)(3)
16 and 480 of the Code in that on November 16, 2017, the Respondent pled no contest to violating
17 section 23152(a) of the California Vehicle Code, Driving Under the Influence of Alcohol, and
18 admitted an enhancement pursuant to section 23577(a) of the Vehicle Code, Refusal to Submit to
19 a Chemical Test. The circumstances are as follows:

20 10. On or about September 14, 2016, a criminal complaint was filed with the Monterey
21 County Superior Court in Case No. MS344091A, charging the Respondent with driving under the
22 influence of alcohol with an enhancement for willfully refusing a peace officer's request to
23 complete a chemical test and with driving without evidence of financial responsibility. On
24 November 16, 2017, the Respondent pled no contest to violating section 23152(a) of the Vehicle
25 Code (Driving Under the Influence of Alcohol) and admitted the enhancement pursuant to section
26 23577(a) (Refusal of Chemical Test) and was placed on five years probation with certain terms
27 and conditions, including, but not limited to: serve 50 days in the county jail; enroll in and
28 complete a 9-Month First Offender Alcohol Program; and standard fines and fees.

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THIRD CAUSE FOR DISCIPLINE

(Unprofessional Conduct for More Than One Misdemeanor Conviction Related to Use of Alcoholic Beverages)

14. Respondent's registration is further subject to disciplinary action under section 3576.3, subdivisions (a) through (c), of the Code in that Respondent was convicted of more than one misdemeanor conviction involving the use and consumption of alcoholic beverages constituting unprofessional conduct. The circumstances are as follows:

15. Respondent was convicted of Driving Under the Influence with a Refusal in the State of California on November 16, 2017 as outlined in Paragraphs 9 through 13, above.

16. Respondent was also convicted on or about August 17, 2004, in a prior criminal proceeding entitled State of Ohio v. Jahangir A. Ahmadov in Franklin County Superior Court, Case Number 2004 CR B 020402. Respondent was convicted for violating Section 4301.69(a): Buying, selling or furnishing intoxicating liquor to an underage person (2 counts), misdemeanors and was ordered to pay a \$500 fine.

17. On or about September 12, 2007, the Respondent was arrested and charged with First Offense Driving While Under the Influence (DUI) with over a .16 Blood Alcohol Content and a Schedule I Controlled Substance in addition to causing an accident, careless driving, and driving at an unsafe speed in Commonwealth of Pennsylvania v. Jahangir Anvar Ahmadov in Berks County Court of Common Pleas, Case Number CP-06-0000289-2008. While this case was pending, Respondent was arrested again for DUI on December 23, 2007 in Berks County, Pennsylvania, as outlined in Paragraph 18, below. Respondent was eventually sentenced to an Accelerated Rehabilitative Disposition (ARD) program, a type of diversion program in Case Number CP-06-0000289-2008. The circumstances of this arrest are as follows:

a. On September 12, 2007, Respondent was seen staggering in the middle of the roadway at the report of a vehicle accident with unknown injuries. Respondent left the accident scene and hid in foliage and had earlier stated that he needed to leave the scene or he would lose his license. Respondent was eventually located in the foliage and had a strong odor of an alcoholic beverage, red glassy eyes, slurred speech and could not stand. Respondent's vehicle

1 had struck a guard rail. Respondent's blood was tested when he received treatment at the hospital
2 and his blood alcohol was .29% and he tested positive for THC.

3 18. The DUI arrest from December 23, 2007 was resolved on or about April 28, 2008, in
4 a prior criminal proceeding entitled Commonwealth of Pennsylvania v. Jahangir Anvar Ahmadov
5 in Berks County Court of Common Pleas, Case Number CP-06-CR-0000290-2008, and
6 Respondent was convicted of a First Offense Driving While Under the Influence with over a .16
7 Blood Alcohol Content, a misdemeanor. The circumstances of this arrest are as follows:

8 a. On December 23, 2007 at 1:42 a.m., a police officer observed the Respondent
9 driving a car with no rear lights and conducted a traffic stop. The Respondent had bloodshot,
10 glassy eyes, moderate slurred speech, an odor of an alcoholic beverage, and appeared
11 disorientated. A preliminary breath test registered at .16 blood alcohol content. The Respondent
12 refused to provide a blood sample for a chemical test.

13 19. A subject interview was conducted on July 11, 2018 and Respondent admitted
14 pleading guilty in Pennsylvania for a DUI that was discovered after Respondent had been in a car
15 accident and was taken to the hospital. Respondent also admitted being arrested and pleading
16 guilty in 2004 in Ohio for another DUI after drinking with friends and driving them home.

17 DISCIPLINARY CONSIDERATIONS

18 20. To determine the degree of discipline, if any, to be imposed on Respondent Jahangir
19 Anvar Ahmadov, Complainant alleges that Respondent has a demonstrated history of alcohol use
20 and misuse including three DUI arrests, resulting in multiple criminal convictions spanning a
21 lengthy period of time, as outlined above in Paragraphs 9-19, and incorporated fully herein.

22 PRAYER

23 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
24 and that following the hearing, the Medical Board of California issue a decision:

25 1. Revoking or suspending Polysomnography Registration Number PTGL 667, issued to
26 Jahangir Anvar Ahmadov;


27 2. Ordering Jahangir Anvar Ahmadov, if placed on probation, to pay the Board the costs
28 of probation monitoring; and

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3. Taking such other and further action as deemed necessary and proper.

DATED:

October 2, 2018


KIMBERLY KIRCHMEYER
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

SF2018201248
Ahmadov.jahangir.accusation